



CITY OF EL MONTE

CITY CLERK'S OFFICE

City Clerk
LORENE GUTIERREZ

Chief Deputy City Clerk/
Records Manager
M. HELEN LOPEZ, CMC

March 8, 2006

Board of Supervisors
County of Los Angeles
Kenneth Hahn Administration
500 W. Temple Street, Suite 383
Los Angeles, CA 90012

Phone: (213) 974-1401
Fax: (213) 620-0636

Attention: Ms. Violet Varona-Lukens, Executive Officer

Re: Request for Consolidation of Special Municipal Election with County-administered
Election of June 6, 2006

Dear Ms. Varona-Lukens:

A. Request for Consolidation/Submission of Ballot Measure

This correspondence is a follow up to our letter of January 26, 2006 requesting the submission of a City ballot measure on the ballot for a Special Municipal Election to be consolidated with the County-administered Election of June 6, 2006.

Enclosed you will find certified copies of the following resolutions that were adopted at a regular meeting of the El Monte City Council held February 28, 2006:

1. Resolution No. 8668 – Giving Notice of the Holding of a Special Municipal Election to be held on Tuesday, June 6, 2006 for the Submission to the Voters of a Ballot Measure to Fund and Maintain Service Levels for Essential Public Safety Services.
2. Resolution No. 8669 – Requesting the Board of Supervisors of the County of Los Angeles to Consolidate a Special Municipal Election to be Held Tuesday, June 6, 2006 with the County-Administered Primary Election to be Held on the Same Date Pursuant to Section 10403 of the California Elections Code.
3. Resolution No. 8670 – Ordering the Submission to the Qualified Electors of the City of El Monte of a Certain Measure Establishing a Special Tax for Purposes of Funding and Maintaining Adequate Service Levels for Essential Public Safety Services in the City of El Monte.

These three resolutions shall formalize and finalize the City's request to consolidate its proposed June 6, 2006 Special Municipal Election with the County-administered election of the same date. With that, the City of El Monte respectfully requests that the subject ballot measure be added to the ballot for the County-administered election of June 6, 2006. It is also the request of the City that any further approvals that may be required of the County Board of Supervisors be obtained so as to allow the measure to be placed on the June 6, 2006 ballot. Please be advised the City agrees to compensate the County for any additional costs associated with the addition of this ballot measure on the ballot.

B. Requested Letter Designation

Also, it is the request of the City that the subject ballot measure be given the following letter designation: "Measure P".

If this measure designation is not available, the City would like to request "Measure S" as an alternative.

If you have any questions or need additional information, please do not hesitate to contact our office at (626) 580-2020 during normal business hours, Monday through Thursday, 7:00 a.m. to 5:30 p.m.

Sincerely,



HELEN LOPEZ

Chief Deputy City Clerk/Records Manager

cc: Deborah Wright, Local Government Liaison
Registrar-Recorder/County Clerk, Norwalk
Sylvia Lira, Head of Election Coordination Section
Registrar-Recorder/County Clerk, Norwalk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2006, FOR THE SUBMISSION TO THE VOTERS OF A BALLOT MEASURE TO FUND AND MAINTAIN SERVICE LEVELS FOR ESSENTIAL PUBLIC SAFETY SERVICES

WHEREAS, the City Council of the City of El Monte, California desires to submit to the voters at a Special Municipal Election a ballot measure to fund and maintain adequate service levels for essential public safety services in the City of El Monte.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of El Monte, California, on Tuesday, June 6, 2006, a Special Municipal Election for the purpose of submitting the following question:

El Monte Public Safety Funding Act of 2006	
Shall the El Monte Public Safety Funding Act of 2006 be adopted, to fund and maintain adequate and essential Public Safety Services, such as police patrols, fire protection and emergency medical response services (including paramedic services), school crossing guards, park safety patrols and code enforcement prosecutions, by establishment of a special public safety tax on real property beginning with Fiscal Year 2006-2007?	YES []
	NO []

SECTION 2. That the complete text of the proposed ordinance submitted to the voters is attached as **Attachment "A"** to this resolution.

SECTION 3. That the ballots to be used at the election shall be in a form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

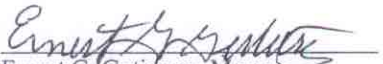
SECTION 5. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided under Section 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner required by law.

SECTION 8. That the City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED ON THIS 28th DAY OF FEBRUARY
2006.


Ernest G. Gutierrez, Mayor

ATTEST:


Lorene Gutierrez
City Clerk


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Lorene Gutierrez, City Clerk of the City of El Monte, hereby certify that the foregoing Resolution No. 8668 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 28th day of February, 2006 and that said resolution was adopted by the following vote, to-wit:

AYES: Mayor Gutierrez, Councilman Barrios, Councilman Gomez and
 Councilwoman Ishigaki

NOES: Councilwoman Wallach

ABSENT: None


Lorene Gutierrez
City Clerk

Attachment A

AN ORDINANCE OF THE CITY OF EL MONTE, CALIFORNIA ADDING CHAPTER 3.30 ENTITLED "EL MONTE PUBLIC SAFETY FUNDING ACT OF 2006" TO TITLE 3 (REVENUE AND FINANCE) OF THE EL MONTE MUNICIPAL CODE.

THE PEOPLE OF THE CITY OF EL MONTE DO ORDAIN AS FOLLOWS:

SECTION 1. The El Monte Municipal Code is hereby amended by the addition of Chapter 3.30 (El Monte Public Safety Funding Act of 2006) to Title 3 (Revenue and Finance) of the El Monte Municipal Code. This newly added Chapter 3.30 shall read as follows:

Chapter 3.30

El Monte Public Safety Funding Act of 2006

Sections:

3.30.010	Short Title
3.30.020	Definitions
3.30.030	Exemptions
3.30.040	Special Tax
3.30.050	Dedication for Public Safety
3.30.060	Special Fund
3.30.070	Tax Rate
3.30.080	Tax Rate Adjustment
3.30.090	Collection with Property Taxes
3.30.100	Administration Determinations; Appeal
3.30.010	Short Title

This Chapter 3.30 shall be known and may be cited as the "El Monte Public Safety Funding Act of 2006."

3.30.020 Definitions

The following words and phrases whenever used in this Chapter shall be construed and defined in this Section as follows:

"Area" shall mean the land area of a Parcel as shown on the records of the Los Angeles County Tax Assessor, unless the Tax Administrator determines on the basis of substantial evidence that a Parcel has a different area than reflected in those records.

"Building Square Footage" shall mean the interior floor area of improvements on a Parcel reflected in the records of the Los Angeles County Tax Assessor, unless the Tax Administrator determines on the basis of substantial evidence that the improvements on a Parcel have a different interior square footage than reflected in those records.

"City" or "City of El Monte" means the City of El Monte, a municipal corporation and duly organized city, and all the territory lying within the municipal boundaries of the City of El Monte as presently existing or as such boundaries may be reduced, expanded or otherwise altered over time.

"Condominium Development" means any development, project, renovation undertaking or other construction undertaking which results in an estate in real property consisting of an undivided interest in common in a Parcel of real property together with a separate interest in space in a residential, industrial or commercial building; such as, an apartment, office or store. In addition, a condominium may include a separate interest in other portions of such real property.

"Mixed-Used Development" means any development, project, renovation undertaking or other construction undertaking which combines or otherwise integrates residential land uses with any other non-residential land use (including but not limited to commercial, industrial, light manufacturing, storage, parking, retail or office uses) within a single building, structure or Parcel or within a combined set of Parcels.

"Non-Residential Property" means a Parcel which the records of the Los Angeles County Tax Assessor reflect as being improved for any non-residential use, including but not limited to commercial, industrial, light manufacturing, office, storage or retail uses. For purposes of this Chapter, the term "Non-Residential Property" also includes (i) vacant property as defined below, regardless of zoning; and (ii) all Parcels within a Mixed-Use Development as well as all Building Square Footage within a Mixed-Use Development that is designed, constructed and/or lawfully used for non-residential uses, including but not limited to commercial, industrial, office, storage or retail uses.

"Parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized county assessment roll.

"Residential Property" means a Parcel which the records of the Los Angeles County Tax Assessor reflect as having been improved with one or more Residential Dwelling Units, including but not limited to attached or detached single-family residences; second units; multi-family buildings or structures (including but not limited to apartment buildings, Condominium Developments, Residential Dwelling Units within a Mixed-Used Development); and mobile home parks.

"Residential Dwelling Unit" means any legally authorized residence, abode or habitation designed, occupied or intended for occupancy as a separate and primary living quarter by one or more persons for living, sleeping, cooking and eating. With respect to mobile home parks each space used, rented, leased or offered for use, rent or lease to accommodate a mobile home shall be considered a "Residential Dwelling Unit" for purposes of this Chapter.

"Tax Administrator" means the City Manager of the City or his or her designee.

"Vacant Property" means a Parcel which the records of the Los Angeles County Tax Assessor reflect as containing no improvements or improvements valued at less than \$10,000.

3.30.030 Exemptions

- (a) Nothing in this Chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of either the Constitution of the United States or the Constitution of the State of California.
- (b) The tax imposed by this Chapter shall not be levied upon the federal government, the state government, any state agency, or any local government agency.
- (c) The tax imposed by this Chapter shall not be levied against a property owner with respect to any Parcel exempt from the ad valorem property tax pursuant to Section 214 of the California Revenue and Taxation Code, as that section has been interpreted by the laws, administrative regulations and judicial opinions of the State. This exclusion extends to, but is not limited to, those Parcels owned by houses of worship, schools or charitable or community service organizations that are exempt from ad valorem property taxes pursuant to Section 214.
- (d) The tax imposed by this Chapter shall not be levied against any Residential Dwelling Unit in which: (i) the title owner of the unit (or at least one of the title owners of the unit, if more than one) occupies the unit

as his or her primary place of residence; and (ii) the total household income for the title owner(s) is equal to or lesser than the income of those households qualifying as low and very low-income households. For purposes of this Chapter, "low and very low-income" means those income levels determined periodically by the U.S. Department of Housing and Urban Development based on the Los Angeles County Area Median Income levels adjusted for family size. A "low-income" household shall be a household earning over fifty but less than or equal to eighty percent of the Los Angeles County Area Median Income, adjusted for family size. A very low-income household shall be a household earning less than or equal to fifty percent of the Los Angeles County Area Median Income, adjusted for family size. "Los Angeles County Area Median Income" means the median family income for Los Angeles County as periodically estimated by the United States Department of Housing and Urban Development accordance with Section 8 of the United States Housing Act of 1937.

- (e) The tax imposed by this Chapter shall not be levied against any Residential Dwelling Unit in which the title owner of the unit (or at least one of the title owners of the unit, if more than one) is seventy-five (75) years of age or older, provided the title owner who is seventy-five years of age or older also occupies the Residential Dwelling Unit as his or her primary place of residence.
- (f) The tax imposed by this Chapter shall not be levied against any Residential Dwelling Unit in which the title owner of the unit (or at least one of the title owners of the unit, if more than one): (i) qualifies as a "disabled veteran" within the meaning of Section 295.7 of the California Vehicle Code as its provisions presently exist or as the same may be modified, amended or updated from time to time; and (ii) the "disabled veteran" title owner also occupies the Residential Dwelling Unit as his or her primary place of residence.
- (g) Each individual or entity claiming an exemption under this Section must annually and timely present to the Tax Administrator an application for such exemption on a form established for that purpose by the Tax Administrator. Such form shall enumerate the variety of documentation and/or material that must be presented to the Tax Administrator in order to reasonably corroborate an individual's or entity's claim to an exemption.

3.30.040 Special Tax

- (a) There is hereby imposed a special tax on all Residential Properties and all Non-Residential Properties in the City of El Monte to fund and maintain adequate levels of service for those essential public safety services identified in Section 3.30.050 of this Chapter, below. As to Residential Properties, the special tax consists of a base charge component imposed on each Residential Dwelling Unit within the Residential Property. As to Non-Residential Properties, the special tax consists of two components: (i) a base charge imposed on each Parcel within the Non-Residential Property plus (ii) an additional charge based on total Building Square Footage within the Non-Residential Property.
- (b) This tax is levied pursuant to Section 50075 et seq. of the California Government Code and is a tax upon each Parcel of property. The amount of the tax on a Parcel is not measured by the value of the Parcel.
- (c) This Chapter shall remain in effect only until the end of the City's 2012-2013 fiscal year, to wit, June 30, 2013. This Chapter shall be repealed effective July 1, 2013. The foregoing shall not restrict or otherwise prohibit the City from receiving or attempting to collect delinquent or otherwise unpaid taxes imposed during the effective period of the special

tax, even if such receipt or such attempted collection occurs after the close of the City's 2012-2013 fiscal year.

3.30.050 Dedication for Public Safety

- (a) The additional revenue generated by this Chapter 3.30 shall be dedicated to and for the purpose of funding and maintaining adequate levels of police, fire protection and emergency medical response services; crossing guards; and code enforcement prosecution in the City of El Monte, including but not limited to funding for:
 - 1. Police patrols for City streets and parks;
 - 2. Police equipment and personnel training;
 - 3. Competitive wages, salaries and/or benefit enhancements for Police Department personnel, including police officers, police dispatchers, records keepers and other police administrative support staff to allow the City to more effectively compete in the labor market for qualified personnel;
 - 4. Fire protection services and equipment;
 - 5. Emergency medical response services (including paramedic services);
 - 6. Emergency medical response equipment and personnel training;
 - 7. Competitive wages, salaries and benefit enhancements for fire protection or emergency medical response personnel that may from time to time be employed directly by the City so as to allow the City to more effectively compete in the labor market for qualified fire protection and emergency medical response personnel;
 - 8. Crossing guard personnel whether employed directly by the City or retained by contract with outside public agencies or private vendors;
 - 9. El Monte Municipal Code enforcement personnel and equipment, including wages, salaries and benefits for code enforcement officers, administrative support staff and City prosecution services.
- (b) The proceeds of the tax may also be used to enforce and administer this tax, including costs for submission of any measure to the voters for establishment and alteration of the tax.
- (c) The City may advance general funds for the purposes specified in this section for expenditure on or after July 1, 2006 and, if the City does so, it may be reimbursed from the special fund established pursuant to Section 3.30.060.

3.30.060 Special Fund

- (a) There is hereby established a special fund entitled "Public Safety Special Tax Fund." Proceeds of the tax levied pursuant to this Chapter, and any interest earned thereon, shall be deposited into the Special fund and shall be used exclusively for the specific purposes set forth in Section 3.30.050 of this Chapter.
- (b) No later than June 30, 2007, and at least annually thereafter, the City Manager shall file a report with the City Council setting forth: (i) The amount of funds collected and expended; and (ii) the status of each project required or authorized to be funded as set forth in Section 3.30.050 of this Chapter.

3.30.070 Maximum Tax Rate

- (a) Residential Properties. Except as otherwise provided in this Chapter, the maximum tax rate for Residential Properties for tax year 2006-2007 shall be a tax of \$120.00 per Residential Dwelling Unit, whether or not occupied, within the Residential Property.

- (b) Non-Residential Properties. Except as otherwise provided in this Chapter, the maximum tax rate for Non-Residential Properties for tax year 2006-2007 shall be a base tax of \$132.00 per Parcel within the Non-Residential Property plus 6 cents for each foot of Building Square Footage. The foregoing notwithstanding, the annual tax liability imposed upon each Non-Residential Property pursuant to this Chapter may not exceed the cap sum of \$15,000.00.
- (c) Condominiums. As to Condominium Developments (including Condominium Developments integrated into Mixed-Use Developments), the title owner of each Residential Dwelling Unit within the Condominium Development shall be responsible for paying the tax imposed upon that unit pursuant to paragraph (a) of this Section.
- (d) Mixed-Use Development. As to Mixed-Use Developments, the total annual tax imposed under this Chapter shall consist of both a residential tax component calculated pursuant to paragraph (a), and a non-residential tax component calculated pursuant to paragraph (b), of this Section. The component based on the non-residential tax calculation shall be subject to the cap sum of \$15,000.00, as described in paragraph (b). The title owner of each Residential Dwelling Unit within a Mixed-Use Development shall be responsible for paying the tax imposed upon that unit pursuant to paragraph (a) of this Section. Pursuant to paragraph (b) of this Section, the title owner(s) of the Non-Residential Property portion of a Mixed-Use Development shall be responsible for paying the tax imposed upon the number of Parcels within the Mixed-Used Development and the amount of Building Square Footage contained within the Non-Residential Property portion of the Mixed-Use Development.
- (e) By Resolution adopted after public hearing the City Council shall, for each tax year:
 1. Determine the amount of revenue necessary to provide services funded pursuant to this Chapter for that tax year; and
 2. Establish a tax rate applicable for that tax year, which shall not be in excess of the amount anticipated to be needed to meet the determined revenue need.
 3. Insure the tax rate established by the Council with respect to any tax year shall not exceed the maximum tax rate applicable to that tax year, as adjusted pursuant to Section 3.30.080.

3.30.080 Cap on Tax Rate Adjustment for Inflation

Each component of the maximum rate established pursuant to Section 3.30.070 of this Chapter shall be increased annually by the lesser of (i) five percent (5%); or (ii) the percentage by which the consumer price index (CPI) prepared by the Bureau of Labor Statistics of the United States Government for All Urban Consumers for the Los Angeles – Riverside – Orange County statistical area, or any successor index, changes during the twelve months which ended on March 31, preceding each fiscal year. The Tax Administrator shall annually recalculate the maximum tax amounts pursuant to this paragraph and shall give notice of that determination in the manner required by law for notice of ordinances of the City.

3.30.090 Collection With Property Taxes

- (a) The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as ~~established by law for other charges and taxes fixed and collected by the~~ County of Los Angeles on behalf of the City of El Monte. The special tax imposed by this Chapter, together with all penalties and interest hereon, shall constitute a lien upon the Parcel upon which it is levied until it has

been paid, shall constitute a personal obligation of (i) the title owner(s) of each Residential Property and/or Residential Dwelling Unit subject to this Chapter; and/or (ii) the title owner(s) of each Non-Residential Property subject to this Chapter; whichever the case may be.

- (b) In the event the County of Los Angeles does not collect any tax due under this Chapter, then the Tax Administrator shall have the power and duty to enforce all the provisions of this Chapter. In such cases, an assessment may be made against the owner of a Parcel in the manner provided by law. Any unpaid tax due under this Chapter shall be subject to all remedies provided under the El Monte Municipal Code and as provided by law.

3.30.100 Administrative Determinations; Appeal

- (a) Requests for adjustments involving imposition of this special tax shall be filed with the Tax Administrator. Upon determination of an error in the computation of the tax, or exemption there from, the Tax Administrator shall cause the tax to be recalculated; and shall so advise the Los Angeles County Tax Collector or other appropriate official. If the Tax Administrator denies this claim, he/she shall notify the claimant in writing along with the reasons for such denial.
- (b) Any claims for refunds of tax payments, overpaid or paid more than once, must be filed with the Tax Administrator within one year of the date of the claimed overpayment. All such claims for refund of the amount of the overpayment must be filed on forms furnished by, and in the manner prescribed, by the Tax Administrator.
- (c) The records of the Los Angeles County Assessor, as of March 1st of each year, shall determine the use and improvement of each Parcel for the calculation of the tax applicable to that Parcel in the following fiscal year, unless additional and more current and accurate information is determined by the Tax Administrator, in which case that information may be used instead.
- (d) The Tax Administrator shall administer this Chapter. Appeals of any determination of the Tax Administrator shall be submitted in writing to the City Council, no later than July 1st of the fiscal year for which the tax is imposed. The City Council shall consider the appeal and issue a decision to the appellant in writing.
- (e) The Tax Administrator may adopt reasonable administrative rules for the enforcement of this Chapter which shall take effect when notice of those rules is given as is required of adopted ordinances of the City.

Section 2. Amendment or Repeal. The City Council is hereby authorized to adopt additional provisions consistent with the intent of this measure and to amend the provisions of this ordinance without voter approval, provided such amendments do not extend the special tax to a taxpayer who would otherwise not pay it or increase the amount of the tax beyond the amount authorized by this ordinance. Any amendment to this ordinance which extends the special tax to a taxpayer who would otherwise not pay it or increases the amount of the tax beyond the maximum tax rates authorized by this ordinance must be approved only by a vote of the people of the City of El Monte.

Section 3. Severability. If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

Section 4. Effective Date. Pursuant to California Elections Code section 9217, this Ordinance shall take effect ten days after City Council certification of the results of the election at which it is adopted.

Section 5. Certification. The Mayor is hereby authorized to subscribe this Ordinance where indicated below to evidence its adoption by the voters of the City and upon that subscription, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be posted according to law.

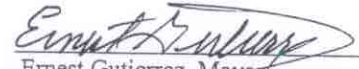
PASSED AND APPROVED THIS 7th DAY OF March 2006.

AYES: Mayor Gutierrez, Councilman Barrios, Councilman Gomez and Councilwoman Ishigaki

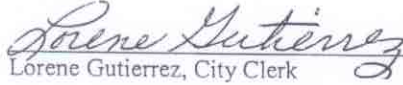
NOES: Councilwoman Wallach

ABSTAIN: None

ABSENT: None


Ernest Gutierrez, Mayor

ATTEST:


Lorene Gutierrez, City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD TUESDAY, JUNE 6, 2006, WITH THE COUNTY-ADMINISTERED PRIMARY ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, the City Council of the City of El Monte called a Special Municipal Election to be held on June 6, 2006; and

WHEREAS, the City Council is submitting to the voters a binding measure to fund and maintain adequate service levels for essential public safety services in the City of El Monte; and

WHEREAS, it is desirable that the City's Special Municipal Election be consolidated with the Primary Election to be administered by the Registrar-Recorder for the County of Los Angeles (hereinafter, the "County") on the same date; and

WHEREAS, it is further desirable that with the City precincts, polling places and election officers for the Special Municipal Election and the Primary Election be the same and that the County canvass the returns of the Special Municipal Election and that the Special Municipal Election be held and administered as if it were in all respects part and parcel with the County-administered Primary Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with County-administered Primary Election of Tuesday, June 6, 2006.

SECTION 2. That the measure to appear on the ballot is as follows:

El Monte Public Safety Funding Act of 2006	
Shall the El Monte Public Safety Funding Act of 2006 be adopted, to fund and maintain adequate and essential Public Safety Services, such as police patrols, fire protection and emergency medical response services (including paramedic services), school crossing guards, park safety patrols and code enforcement prosecutions, by establishment of a special public safety tax on real property beginning with Fiscal Year 2006-2007?	YES
	NO

SECTION 3. That the County is authorized to canvass the returns of the Special Municipal Election. The Special Municipal Election shall be held in all respects as if there were only one election, with only one form of ballot used.


SECTION 4. That the Board of Supervisors is requested to issue instructions to the County (i.e. the Registrar-Recorder/County Clerk) to take any and all steps necessary for the holding of the consolidated election with the City's Special Municipal Election.

SECTION 5. That the City of El Monte recognizes that additional costs will be incurred by the County by reason of the requested consolidation and agrees to reimburse the County of any and all additional costs posed by the consolidation of the City's Special Municipal Election with the County-administered Primary Election to be held Tuesday, June 6, 2006.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar-Recorder/County Clerk for the County of Los Angeles.

SECTION 7. That the City Clerk shall certify the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED ON THIS 28th DAY OF FEBRUARY 2006.


Ernest G. Gutierrez, Mayor

ATTEST:

Lorene Gutierrez
City Clerk

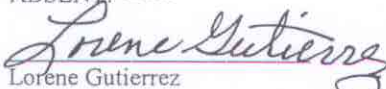
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF EL MONTE) SS:

I, Lorene Gutierrez, City Clerk of the City of El Monte, hereby certify that the foregoing Resolution No. 8669 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 28th day of February, 2006 and that said resolution was adopted by the following vote, to-wit:

AYES: Mayor Gutierrez, Councilman Barrios, Councilman Gomez and Councilwoman Ishigaki

NOES: Councilwoman Wallach

ABSENT: None


Lorene Gutierrez
City Clerk

RESOLUTION NO. 8670

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF EL MONTE OF A CERTAIN MEASURE ESTABLISHING A SPECIAL TAX FOR PURPOSES OF FUNDING AND MAINTAINING ADEQUATE SERVICE LEVELS FOR ESSENTIAL PUBLIC SAFETY SERVICES IN THE CITY OF EL MONTE.

WHEREAS, A consolidated Special Municipal Election has been called by City Council Resolution No. 8668 at a special meeting conducted February 28, 2006; and

WHEREAS, The El Monte City Council (the "Council") also desires to submit the following question to the voters at the Special Municipal Election: whether the City shall institute a special public safety tax beginning in the 2006-2007 fiscal year for purposes of funding and maintaining adequate service levels for essential Public Safety Services in the City of El Monte.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the consolidated Special Municipal Election of June 6, 2006 the following question:

El Monte Public Safety Funding Act of 2006	
Shall the El Monte Public Safety Funding Act of 2006 be adopted, to fund and maintain adequate and essential Public Safety Services, such as police patrols, fire protection and emergency medical response services (including paramedic services), school crossing guards, park safety patrols and code enforcement prosecutions, by establishment of a special public safety tax on real property beginning with Fiscal Year 2006-2007?	YES []
	NO []

SECTION 2. That the proposed measure submitted to the voters is the measure attached and incorporated hereto as **Attachment "A."**

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding consolidated Special Municipal Elections.

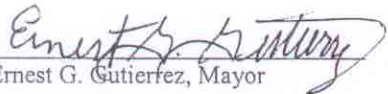
SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

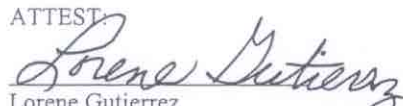
SECTION 5. That pursuant to Section 9280 of the Elections Code, the El Monte City Attorney is directed to prepare an impartial analysis showing the effect of the measure on the existing law and the operation of the contemplated ballot measure. The foregoing notwithstanding, if the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 6. That the City Clerk adhere to the California Elections Code in accepting arguments for or against this measure as well as rebuttals thereto and that in the event there are multiple submissions between any one category of persons or groups identified in Elections Code Sections 9282, that the decision as to which argument or rebuttal to accept for printing be resolved by flip of the coin, if it cannot be resolved by adherence to the provisions of Elections Code Section 9287.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON THIS 28th DAY OF FEBRUARY 21, 2006.

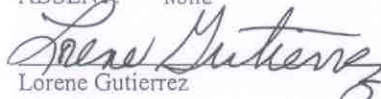

Ernest G. Gutierrez, Mayor

ATTEST:

Lorene Gutierrez
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Lorene Gutierrez, City Clerk of the City of El Monte, hereby certify that the foregoing Resolution No. 8670 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 28th day of February, 2006 and that said resolution was adopted by the following vote, to-wit:

AYES: Mayor Gutierrez, Councilman Barrios, Councilman Gomez and
NOES: Councilwoman Ishigaki
ABSENT: Councilwoman Wallach
None


Lorene Gutierrez
City Clerk

Attachment A

AN ORDINANCE OF THE CITY OF EL MONTE, CALIFORNIA ADDING CHAPTER 3.30 ENTITLED "EL MONTE PUBLIC SAFETY FUNDING ACT OF 2006" TO TITLE 3 (REVENUE AND FINANCE) OF THE EL MONTE MUNICIPAL CODE.

THE PEOPLE OF THE CITY OF EL MONTE DO ORDAIN AS FOLLOWS:

SECTION 1. The El Monte Municipal Code is hereby amended by the addition of Chapter 3.30 (El Monte Public Safety Funding Act of 2006) to Title 3 (Revenue and Finance) of the El Monte Municipal Code. This newly added Chapter 3.30 shall read as follows:

Chapter 3.30

El Monte Public Safety Funding Act of 2006

Sections:

3.30.010	Short Title
3.30.020	Definitions
3.30.030	Exemptions
3.30.040	Special Tax
3.30.050	Dedication for Public Safety
3.30.060	Special Fund
3.30.070	Tax Rate
3.30.080	Tax Rate Adjustment
3.30.090	Collection with Property Taxes
3.30.100	Administration Determinations; Appeal
3.30.010	Short Title

This Chapter 3.30 shall be known and may be cited as the "El Monte Public Safety Funding Act of 2006."

3.30.020 Definitions

The following words and phrases whenever used in this Chapter shall be construed and defined in this Section as follows:

"Area" shall mean the land area of a Parcel as shown on the records of the Los Angeles County Tax Assessor, unless the Tax Administrator determines on the basis of substantial evidence that a Parcel has a different area than reflected in those records.

"Building Square Footage" shall mean the interior floor area of improvements on a Parcel reflected in the records of the Los Angeles County Tax Assessor, unless the Tax Administrator determines on the basis of substantial evidence that the improvements on a Parcel have a different interior square footage than reflected in those records.

"City" or "City of El Monte" means the City of El Monte, a municipal corporation and duly organized city, and all the territory lying within the municipal boundaries of the City of El Monte as presently existing or as such boundaries may be reduced, expanded or otherwise altered over time.

"Condominium Development" means any development, project, renovation undertaking or other construction undertaking which results in an estate in real property consisting of **an undivided interest in common in a Parcel of real property together with a separate interest in space in a residential, industrial or commercial building; such as, an apartment, office or store.** In addition, a condominium may include a separate interest in other portions of such real property.

"Mixed-Used Development" means any development, project, renovation undertaking or other construction undertaking which combines or otherwise integrates residential land uses with any other non-residential land use (including but not limited to commercial, industrial, light manufacturing, storage, parking, retail or office uses) within a single building, structure or Parcel or within a combined set of Parcels.

"Non-Residential Property" means a Parcel which the records of the Los Angeles County Tax Assessor reflect as being improved for any non-residential use, including but not limited to commercial, industrial, light manufacturing, office, storage or retail uses. For purposes of this Chapter, the term "Non-Residential Property" also includes (i) vacant property as defined below, regardless of zoning; and (ii) all Parcels within a Mixed-Use Development as well as all Building Square Footage within a Mixed-Use Development that is designed, constructed and/or lawfully used for non-residential uses, including but not limited to commercial, industrial, office, storage or retail uses.

"Parcel" shall mean a parcel of real property having a separate assessor's parcel number as shown on the last equalized county assessment roll.

"Residential Property" means a Parcel which the records of the Los Angeles County Tax Assessor reflect as having been improved with one or more Residential Dwelling Units, including but not limited to attached or detached single-family residences; second units; multi-family buildings or structures (including but not limited to apartment buildings, Condominium Developments, Residential Dwelling Units within a Mixed-Used Development); and mobile home parks.

"Residential Dwelling Unit" means any legally authorized residence, abode or habitation designed, occupied or intended for occupancy as a separate and primary living quarter by one or more persons for living, sleeping, cooking and eating. With respect to mobile home parks each space used, rented, leased or offered for use, rent or lease to accommodate a mobile home shall be considered a "Residential Dwelling Unit" for purposes of this Chapter.

"Tax Administrator" means the City Manager of the City or his or her designee.

"Vacant Property" means a Parcel which the records of the Los Angeles County Tax Assessor reflect as containing no improvements or improvements valued at less than \$10,000.

3.30.030 Exemptions

- (a) Nothing in this Chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of either the Constitution of the United States or the Constitution of the State of California.
- (b) The tax imposed by this Chapter shall not be levied upon the federal government, the state government, any state agency, or any local government agency.
- (c) The tax imposed by this Chapter shall not be levied against a property owner with respect to any Parcel exempt from the ad valorem property tax pursuant to Section 214 of the California Revenue and Taxation Code, as that section has been interpreted by the laws, administrative regulations and judicial opinions of the State. This exclusion extends to, but is not limited to, those Parcels owned by houses of worship, schools or charitable or community service organizations that are exempt from ad valorem property taxes pursuant to Section 214.
- (d) The tax imposed by this Chapter shall not be levied against any Residential Dwelling Unit in which: (i) the title owner of the unit (or at least one of the title owners of the unit, if more than one) occupies the unit

as his or her primary place of residence; and (ii) the total household income for the title owner(s) is equal to or lesser than the income of those households qualifying as low and very low-income households. For purposes of this Chapter, "low and very low-income" means those income levels determined periodically by the U.S. Department of Housing and Urban Development based on the Los Angeles County Area Median Income levels adjusted for family size. A "low-income" household shall be a household earning over fifty but less than or equal to eighty percent of the Los Angeles County Area Median Income, adjusted for family size. A very low-income household shall be a household earning less than or equal to fifty percent of the Los Angeles County Area Median Income, adjusted for family size. "Los Angeles County Area Median Income" means the median family income for Los Angeles County as periodically estimated by the United States Department of Housing and Urban Development accordance with Section 8 of the United States Housing Act of 1937.

- (e) The tax imposed by this Chapter shall not be levied against any Residential Dwelling Unit in which the title owner of the unit (or at least one of the title owners of the unit, if more than one) is seventy-five (75) years of age or older, provided the title owner who is seventy-five years of age or older also occupies the Residential Dwelling Unit as his or her primary place of residence.
- (f) The tax imposed by this Chapter shall not be levied against any Residential Dwelling Unit in which the title owner of the unit (or at least one of the title owners of the unit, if more than one): (i) qualifies as a "disabled veteran" within the meaning of Section 295.7 of the California Vehicle Code as its provisions presently exist or as the same may be modified, amended or updated from time to time; and (ii) the "disabled veteran" title owner also occupies the Residential Dwelling Unit as his or her primary place of residence.
- (g) Each individual or entity claiming an exemption under this Section must annually and timely present to the Tax Administrator an application for such exemption on a form established for that purpose by the Tax Administrator. Such form shall enumerate the variety of documentation and/or material that must be presented to the Tax Administrator in order to reasonably corroborate an individual's or entity's claim to an exemption.

3.30.040 Special Tax

- (a) There is hereby imposed a special tax on all Residential Properties and all Non-Residential Properties in the City of El Monte to fund and maintain adequate levels of service for those essential public safety services identified in Section 3.30.050 of this Chapter, below. As to Residential Properties, the special tax consists of a base charge component imposed on each Residential Dwelling Unit within the Residential Property. As to Non-Residential Properties, the special tax consists of two components: (i) a base charge imposed on each Parcel within the Non-Residential Property plus (ii) an additional charge based on total Building Square Footage within the Non-Residential Property.
- (b) This tax is levied pursuant to Section 50075 et seq. of the California Government Code and is a tax upon each Parcel of property. The amount of the tax on a Parcel is not measured by the value of the Parcel.
- (c) This Chapter shall remain in effect only until the end of the City's 2012-2013 fiscal year, to wit, June 30, 2013. This Chapter shall be repealed effective July 1, 2013. The foregoing shall not restrict or otherwise prohibit the City from receiving or attempting to collect delinquent or otherwise unpaid taxes imposed during the effective period of the special

tax, even if such receipt or such attempted collection occurs after the close of the City's 2012-2013 fiscal year.

3.30.050 Dedication for Public Safety

- (a) The additional revenue generated by this Chapter 3.30 shall be dedicated to and for the purpose of funding and maintaining adequate levels of police, fire protection and emergency medical response services; crossing guards; and code enforcement prosecution in the City of El Monte, including but not limited to funding for:
1. Police patrols for City streets and parks;
 2. Police equipment and personnel training;
 3. Competitive wages, salaries and/or benefit enhancements for Police Department personnel, including police officers, police dispatchers, records keepers and other police administrative support staff to allow the City to more effectively compete in the labor market for qualified personnel;
 4. Fire protection services and equipment;
 5. Emergency medical response services (including paramedic services);
 6. Emergency medical response equipment and personnel training;
 7. Competitive wages, salaries and benefit enhancements for fire protection or emergency medical response personnel that may from time to time be employed directly by the City so as to allow the City to more effectively compete in the labor market for qualified fire protection and emergency medical response personnel;
 8. Crossing guard personnel whether employed directly by the City or retained by contract with outside public agencies or private vendors;
 9. El Monte Municipal Code enforcement personnel and equipment, including wages, salaries and benefits for code enforcement officers, administrative support staff and City prosecution services.
- (b) The proceeds of the tax may also be used to enforce and administer this tax, including costs for submission of any measure to the voters for establishment and alteration of the tax.
- (c) The City may advance general funds for the purposes specified in this section for expenditure on or after July 1, 2006 and, if the City does so, it may be reimbursed from the special fund established pursuant to Section 3.30.060.

3.30.060 Special Fund

- (a) There is hereby established a special fund entitled "Public Safety Special Tax Fund." Proceeds of the tax levied pursuant to this Chapter, and any interest earned thereon, shall be deposited into the Special fund and shall be used exclusively for the specific purposes set forth in Section 3.30.050 of this Chapter.
- (b) No later than June 30, 2007, and at least annually thereafter, the City Manager shall file a report with the City Council setting forth: (i) The amount of funds collected and expended; and (ii) the status of each project required or authorized to be funded as set forth in Section 3.30.050 of this Chapter.

3.30.070 Maximum Tax Rate

- (a) Residential Properties. Except as otherwise provided in this Chapter, the maximum tax rate for Residential Properties for tax year 2006-2007 shall be a tax of \$120.00 per Residential Dwelling Unit, whether or not occupied, within the Residential Property.

- (b) Non-Residential Properties. Except as otherwise provided in this Chapter, the maximum tax rate for Non-Residential Properties for tax year 2006-2007 shall be a base tax of \$132.00 per Parcel within the Non-Residential Property plus 6 cents for each foot of Building Square Footage. The foregoing notwithstanding, the annual tax liability imposed upon each Non-Residential Property pursuant to this Chapter may not exceed the cap sum of \$15,000.00.
- (c) Condominiums. As to Condominium Developments (including Condominium Developments integrated into Mixed-Use Developments), the title owner of each Residential Dwelling Unit within the Condominium Development shall be responsible for paying the tax imposed upon that unit pursuant to paragraph (a) of this Section.
- (d) Mixed-Use Development. As to Mixed-Use Developments, the total annual tax imposed under this Chapter shall consist of both a residential tax component calculated pursuant to paragraph (a), and a non-residential tax component calculated pursuant to paragraph (b), of this Section. The component based on the non-residential tax calculation shall be subject to the cap sum of \$15,000.00, as described in paragraph (b). The title owner of each Residential Dwelling Unit within a Mixed-Use Development shall be responsible for paying the tax imposed upon that unit pursuant to paragraph (a) of this Section. Pursuant to paragraph (b) of this Section, the title owner(s) of the Non-Residential Property portion of a Mixed-Use Development shall be responsible for paying the tax imposed upon the number of Parcels within the Mixed-Used Development and the amount of Building Square Footage contained within the Non-Residential Property portion of the Mixed-Use Development.
- (e) By Resolution adopted after public hearing the City Council shall, for each tax year:
 1. Determine the amount of revenue necessary to provide services funded pursuant to this Chapter for that tax year; and
 2. Establish a tax rate applicable for that tax year, which shall not be in excess of the amount anticipated to be needed to meet the determined revenue need.
 3. Insure the tax rate established by the Council with respect to any tax year shall not exceed the maximum tax rate applicable to that tax year, as adjusted pursuant to Section 3.30.080.

3.30.080 Cap on Tax Rate Adjustment for Inflation

Each component of the maximum rate established pursuant to Section 3.30.070 of this Chapter shall be increased annually by the lesser of (i) five percent (5%); or (ii) the percentage by which the consumer price index (CPI) prepared by the Bureau of Labor Statistics of the United States Government for All Urban Consumers for the Los Angeles – Riverside – Orange County statistical area, or any successor index, changes during the twelve months which ended on March 31, preceding each fiscal year. The Tax Administrator shall annually recalculate the maximum tax amounts pursuant to this paragraph and shall give notice of that determination in the manner required by law for notice of ordinances of the City.

3.30.090 Collection With Property Taxes

- (a) The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Los Angeles on behalf of the City of El Monte. The special tax imposed by this Chapter, together with all penalties and interest hereon, shall constitute a lien upon the Parcel upon which it is levied until it has

been paid, shall constitute a personal obligation of (i) the title owner(s) of each Residential Property and/or Residential Dwelling Unit subject to this Chapter; and/or (ii) the title owner(s) of each Non-Residential Property subject to this Chapter; whichever the case may be.

- (b) In the event the County of Los Angeles does not collect any tax due under this Chapter, then the Tax Administrator shall have the power and duty to enforce all the provisions of this Chapter. In such cases, an assessment may be made against the owner of a Parcel in the manner provided by law. Any unpaid tax due under this Chapter shall be subject to all remedies provided under the El Monte Municipal Code and as provided by law.

3.30.100 Administrative Determinations; Appeal

- (a) Requests for adjustments involving imposition of this special tax shall be filed with the Tax Administrator. Upon determination of an error in the computation of the tax, or exemption there from, the Tax Administrator shall cause the tax to be recalculated; and shall so advise the Los Angeles County Tax Collector or other appropriate official. If the Tax Administrator denies this claim, he/she shall notify the claimant in writing along with the reasons for such denial.
- (b) Any claims for refunds of tax payments, overpaid or paid more than once, must be filed with the Tax Administrator within one year of the date of the claimed overpayment. All such claims for refund of the amount of the overpayment must be filed on forms furnished by, and in the manner prescribed, by the Tax Administrator.
- (c) The records of the Los Angeles County Assessor, as of March 1st of each year, shall determine the use and improvement of each Parcel for the calculation of the tax applicable to that Parcel in the following fiscal year, unless additional and more current and accurate information is determined by the Tax Administrator, in which case that information may be used instead.
- (d) The Tax Administrator shall administer this Chapter. Appeals of any determination of the Tax Administrator shall be submitted in writing to the City Council, no later than July 1st of the fiscal year for which the tax is imposed. The City Council shall consider the appeal and issue a decision to the appellant in writing.
- (e) The Tax Administrator may adopt reasonable administrative rules for the enforcement of this Chapter which shall take effect when notice of those rules is given as is required of adopted ordinances of the City.

Section 2. Amendment or Repeal. The City Council is hereby authorized to adopt additional provisions consistent with the intent of this measure and to amend the provisions of this ordinance without voter approval, provided such amendments do not extend the special tax to a taxpayer who would otherwise not pay it or increase the amount of the tax beyond the amount authorized by this ordinance. Any amendment to this ordinance which extends the special tax to a taxpayer who would otherwise not pay it or increases the amount of the tax beyond the maximum tax rates authorized by this ordinance must be approved only by a vote of the people of the City of El Monte.

Section 3. Severability. If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

Section 4. Effective Date. Pursuant to California Elections Code section 9217, this Ordinance shall take effect ten days after City Council certification of the results of the election at which it is adopted.

Section 5. Certification. The Mayor is hereby authorized to subscribe this Ordinance where indicated below to evidence its adoption by the voters of the City and upon that subscription, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be posted according to law.

PASSED AND APPROVED THIS 7th DAY OF March 2006.

AYES: Mayor Gutierrez, Councilman Barrios, Councilman Gomez and
Councilwoman Ishigaki

NOES: Councilwoman Wallach

ABSTAIN: None

ABSENT: None


Ernest Gutierrez, Mayor

ATTEST:


Lorene Gutierrez, City Clerk